

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 3

**DOCKET NO.:** 2008-0314-PST-E **TCEQ ID:** RN102358942, RN102457561 **CASE NO.:** 35439**RESPONDENT NAME:** Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input checked="" type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Bob's Corner Store, 1901 South Brahma Boulevard, Kingsville, Kleberg County; Bob's Corner Store 2, 102 West Main Street, Bishop, Nueces County</p> <p><b>TYPE OF OPERATION:</b> Convenience stores with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 4, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. Ramiro Carrillo, Owner, Bob's Corner Store and Bob's Corner Store 2, 1901 South Brahma Boulevard, Kingsville, Texas 78363 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 19, 2007</p> <p><b>Date of NOE Relating to this Case:</b> February 15, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been conducted [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</p> <p>2) Failure to provide a method of release detection capable of detecting a release from any portion of the underground storage tank ("UST") system which contained regulated substances. Specifically, there was no release detection method in place for the UST system [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>3) Failure to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>4) Failure to provide release detection for the piping associated with the USTs. Specifically, the required annual piping tightness tests at the Facility located at 102 West Main Street in Bishop were not being conducted [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(ii)(I) and TEX. WATER CODE § 26.3475(a)].</p>	<p><b>Total Assessed:</b> \$18,392</p> <p><b>Total Deferred:</b> \$3,678  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$434 (remaining \$14,280 due in 35 monthly payments of \$408 each)</p> <p><b>RN102358942</b>  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>RN102457561</b>  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying successful triennial testing of the cathodic protection system at the Facility located at 1901 South Brahma Boulevard in Kingsville;</p> <p>b) As of May 2, 2008, the Respondent began conducting proper inventory control procedures for all USTs at the Facilities;</p> <p>c) The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying that a release detection method has been implemented at the Facilities and the Respondent successfully conducted the required piping tightness and line leak detector tests at the Facility located at 102 West Main Street in Bishop; and</p> <p>d) The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying that the required UST records are being maintained at the Facility located at 102 West Main Street in Bishop.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, conduct triennial testing of the cathodic protection system at the Facility located at 102 West Main Street in Bishop; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

<p>5) Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors at the Facility located at 102 West Main Street in Bishop had not been performance tested annually [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].</p> <p>6) Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel. Specifically, the UST records at the Facility located at 102 West Main Street in Bishop were not being maintained [30 TEX. ADMIN. CODE § 334.10(b)].</p>		
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Additional ID No(s): PST Nos. 54760 and 27443





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

<b>DATES</b>	<b>Assigned</b>	19-Feb-2008	<b>PCW</b>	25-Feb-2008	<b>Screening</b>	22-Feb-2008	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Ramiro Carrillo dba Bob's Corner Store
<b>Reg. Ent. Ref. No.</b>	RN102358942
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35439	<b>No. of Violations</b>	3
<b>Docket No.</b>	2008-0314-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Enf. Coordinator</b>	Judy Kluge
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment due to compliance history.
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<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

<b>Notes</b>	The Respondent does not meet the good faith criteria.
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<b>Total EB Amounts</b>	\$1,214	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$2,600	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	16%	<b>Adjustment</b>	\$1,196
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.
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<b>Final Penalty Amount</b>	\$8,696
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,696
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<b>DEFERRAL</b>	20%	Reduction	<b>Adjustment</b>	-\$1,739
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$6,957
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Screening Date 22-Feb-2008

Docket No. 2008-0314-PST-E

PCW

Respondent Ramiro Carrillo dba Bob's Corner Store

Policy Revision 2 (September 2002)

Case ID No. 35439

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102358942

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b>	22-Feb-2008	<b>Docket No.</b>	2008-0314-PST-E	<b>PCW</b>
<b>Respondent</b>	Ramiro Carrillo dba Bob's Corner Store			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	35439			PCW Revision January 29, 2008
<b>Reg. Ent. Reference No.</b>	RN102358942			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Judy Kluge			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.49(c)(4) and Tex. Water Code § 26.3475(d)			
<b>Violation Description</b>	Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been conducted.			
<b>Base Penalty</b>				\$10,000

**>> Environmental, Property and Human Health Matrix**

OR		Harm			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="25%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>				

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events	<input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="1095"/>	Number of violation days
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mark only one with an x	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

One single event is recommended for the three-year period preceding the December 19, 2007 investigation.

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input style="width: 100px;" type="text" value="\$1,196"/>	<b>Violation Final Penalty Total</b> <input style="width: 100px;" type="text" value="\$2,899"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$2,899"/>	

**Economic Benefit Worksheet**

**Respondent** Ramiro Carrillo dba Bob's Corner Store  
**Case ID No.** 35439  
**Reg. Ent. Reference No.** RN102358942  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	19-Dec-2004	19-Dec-2007	3.9	\$196	\$1,000	\$1,196
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for completing the triennial test. The date required is three years before the investigation date and the final date is the investigation date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,196



<b>Screening Date</b> 22-Feb-2008	<b>Docket No.</b> 2008-0314-PST-E	<b>PCW</b>
<b>Respondent</b> Ramiro Carrillo dba Bob's Corner Store	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35439	<small>PCW Revision January 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102358942		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> 2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1)	
<b>Violation Description</b>	Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

	<b>Release</b>	<b>Harm</b>			
		Major      Moderate      Minor			
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> 25%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> 0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events	1		65	Number of violation days
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<small>mark only one with an x</small>	daily	<input type="text"/>	monthly	<input type="text"/>
	quarterly	x	semiannual	<input type="text"/>
	annual	<input type="text"/>	single event	<input type="text"/>

**Violation Base Penalty** \$2,500

One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	Violation Final Penalty Total
\$14	\$2,899
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$2,899	

**Economic Benefit Worksheet**

Respondent Ramiro Carrillo dba Bob's Corner Store

Case ID No. 35439

Reg. Ent. Reference No. RN102358942

Media Petroleum Storage Tank

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Dec-2007	25-Feb-2008	0.2	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to provide a method of release detection for the USTs. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$14

<b>Screening Date</b> 22-Feb-2008		<b>Docket No.</b> 2008-0314-PST-E		<b>PCW</b>	
<b>Respondent</b> Ramiro Carrillo dba Bob's Corner Store		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 35439		<small>PCW Revision January 29, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN102358942					
<b>Media [Statute]</b> Petroleum Storage Tank					
<b>Enf. Coordinator</b> Judy Kluge					
<b>Violation Number</b>		<input type="text" value="3"/>			
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>			
<b>Violation Description</b>		<input type="text" value="Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day."/>			
<b>Base Penalty</b>					<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Percent</b> <input type="text" value="0%"/>				
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				
<b>Adjustment</b>					<input type="text" value="\$7,500"/>
					<input type="text" value="\$2,500"/>

**Violation Events**

<b>Number of Violation Events</b> <input type="text" value="1"/>		<input type="text" value="65"/> <b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>		
<input type="text" value="One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date."/>		

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$4"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,899"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,899"/>	

**Economic Benefit Worksheet**

**Respondent** Ramiro Carrillo dba Bob's Corner Store  
**Case ID No.** 35439  
**Reg. Ent. Reference No.** RN102358942  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	19-Dec-2007	15-Sep-2008	0.7	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the date of the investigation and final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

# Compliance History

Customer/Respondent/Owner-Operator:	CN603271156	CARRILLO, RAMIRO	Classification: N/A	Rating: N/A
Regulated Entity:	RN102358942	BOBS CORNER STORE	Classification: Average by Default	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	54760
Location:	1901 S BRAHMA BLVD, KINGSVILLE, TX, 78363			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	February 22, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 22, 2003 to February 22, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Judy Kluge	Phone:	(817) 588-5825	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	Ramiro Carrillo
4. If Yes, who was/were the prior owner(s)?	<u>Taylor Petroleum Companies Inc.</u>
5. When did the change(s) in ownership occur?	<u>9/01/2007</u>

## Components (Multimedia) for the Site :

A.	Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A
B.	Any criminal convictions of the state of Texas and the federal government. N/A
C.	Chronic excessive emissions events. N/A
D.	The approval dates of investigations. (CCEDS Inv. Track. No.) 1 02/15/2008 (616390)
E.	Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A
F.	Environmental audits. N/A
G.	Type of environmental management systems (EMSs). N/A
H.	Voluntary on-site compliance assessment dates. N/A
I.	Participation in a voluntary pollution reduction program. N/A
J.	Early compliance. N/A
Sites Outside of Texas	
N/A	





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Feb-2008	<b>PCW</b>	25-Feb-2008	<b>Screening</b>	22-Feb-2008	<b>EPA Due</b>	
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Ramiro Carrillo dba Bob's Corner Store 2						
<b>Reg. Ent. Ref. No.</b>	RN102457561						
<b>Facility/Site Region</b>	14-Corpus Christi				<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35439	<b>No. of Violations</b>	4
<b>Docket No.</b>	2008-0314-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Enf. Coordinator</b>	Judy Kluge
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$8,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

	0% Enhancement*	<b>Subtotal 6</b>	\$0
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<b>Total EB Amounts</b>	\$1,215
<b>Approx. Cost of Compliance</b>	\$2,700

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	14%	<b>Adjustment</b>	\$1,196
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 1.

<b>Final Penalty Amount</b>	\$9,696
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,696
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$1,939
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,757
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Screening Date 22-Feb-2008

Docket No. 2008-0314-PST-E

PCW

Respondent Ramiro Carrillo dba Bob's Corner Store 2

Policy Revision 2 (September 2002)

Case ID No. 35439

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457561

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
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NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%



<b>Screening Date</b> 22-Feb-2008 <b>Respondent</b> Ramiro Carrillo dba Bob's Corner Store 2 <b>Case ID No.</b> 35439 <b>Reg. Ent. Reference No.</b> RN102457561 <b>Media [Statute]</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Judy Kluge <b>Violation Number</b> 1 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 334.49(c)(4) and Tex. Water Code § 26.3475(d) <b>Violation Description</b> Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been conducted.	<b>Docket No.</b> 2008-0314-PST-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision January 29, 2008</i>
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<b>Base Penalty</b>	\$10,000
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**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 25%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$7,500
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	\$2,500
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**Violation Events**

Number of Violation Events	1	1095	Number of violation days
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mark only one with an x	daily		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

<b>Violation Base Penalty</b>	\$2,500
-------------------------------	---------

One single event is recommended for the three-year period preceding the December 19, 2007 investigation.
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<b>Violation Final Penalty Total</b>
\$1,196	\$2,852
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$2,852	

**Economic Benefit Worksheet**

Respondent Ramiro Carrillo dba Bob's Corner Store 2  
Case ID No. 35439  
Reg. Ent. Reference No. RN102457561  
Media Petroleum Storage Tank  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	19-Dec-2004	19-Dec-2007	3.9	\$196	\$1,000	\$1,196
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for completing the triennial test. The date required is three years before the investigation date and the final date is the investigation date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,196

<b>Screening Date</b> 22-Feb-2008	<b>Docket No.</b> 2008-0314-PST-E	<b>PCW</b>		
<b>Respondent</b> Ramiro Carrillo dba Bob's Corner Store 2	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 35439	<small>PCW Revision January 29, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN102457561				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b> 2				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(a)(1)(A), (b)(2)(A)(ii)(I) and (b)(2)(A)(i)(III) and Tex. Water Code § 26.3475(a) and (c)(1)			
<b>Violation Description</b>	<p>Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances. Failed to provide release detection for the piping associated with the USTs. Specifically, the required annual tightness tests had not been performed. Also, failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually.</p>			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual			
Potential	x			<b>Percent</b> 25%
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
				<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment</b>			\$7,500	
			\$2,500	
<b>Violation Events</b>				
<b>Number of Violation Events</b>		1	<b>Number of violation days</b> 65	
<small>mark only one with an x</small>	daily		<b>Violation Base Penalty</b> \$2,500	
	monthly			
	quarterly	x		
	semiannual			
	annual			
single event				
<p>One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date.</p>				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> \$14		<b>Violation Final Penalty Total</b> \$2,852		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$2,852		

**Economic Benefit Worksheet**

Respondent: Ramiro Carrillo dba Bob's Corner Store 2

Case ID No. 35439

Reg. Ent. Reference No. RN102457561

Media Petroleum Storage Tank

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Dec-2007	25-Feb-2008	0.2	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to provide a method of release detection for the USTs. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$14

<b>Screening Date</b> 22-Feb-2008	<b>Docket No.</b> 2008-0314-PST-E	<b>PCW</b>
<b>Respondent</b> Ramiro Carrillo dba Bob's Corner Store 2		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 35439		<small>PCW Revision January 29, 2008</small>
<b>Reg. Ent. Reference No.</b> RN102457561		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b>	<input type="text" value="3"/>	
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>	
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;"> <p>Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day.</p> </div>	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
		Major	Moderate	Minor	
<b>OR</b>	<b>Release</b>				
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

		Major	Moderate	Minor	
	<b>Falsification</b>				
		<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="65"/>
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mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty**

One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$4"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,852"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,852"/>	

**Economic Benefit Worksheet****Respondent** Ramiro Carrillo dba Bob's Corner Store 2**Case ID No.** 35439**Reg. Ent. Reference No.** RN102457561**Media** Petroleum Storage Tank**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	19-Dec-2007	15-Sep-2008	0.7	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the date of the investigation and final date is the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$100

**TOTAL**

\$4



<b>Screening Date</b> 22-Feb-2008	<b>Docket No.</b> 2008-0314-PST-E	<b>PCW</b>
<b>Respondent</b> Ramiro Carrillo dba Bob's Corner Store 2	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35439	<small>PCW Revision January 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102457561		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.10(b)	
<b>Violation Description</b>	Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	Actual					
	Potential				<b>Percent</b>	0%

  
**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
		x			
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
<b>Adjustment</b>					\$9,000

\$1,000

**Violation Events**

<b>Number of Violation Events</b>	1	65	<b>Number of violation days</b>
<small>mark only one with an x</small>	daily		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended based on documentation of the violation during the December 19, 2007 investigation.			
<b>Violation Base Penalty</b>		\$1,000	

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$1
	<b>Violation Final Penalty Total</b>
	\$1,141
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,141	

**Economic Benefit Worksheet**

Respondent: Ramiro Carrillo dba Bob's Corner Store 2

Case ID No. 35439

Reg. Ent. Reference No. RN102457561

Media: Petroleum Storage Tank

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	19-Dec-2007	25-Feb-2008	0.2	\$1	n/a	\$1
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to maintain UST records. The date required is the investigation date and the final date is the date of compliance.						
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$100			TOTAL		\$1	



# Compliance History

Customer/Respondent/Owner-Operator:	CN603271156	CARRILLO, RAMIRO	Classification: N/A	Rating: N/A
Regulated Entity:	RN102457561	BOBS CORNER STORE 2	Classification: HIGH	Site Rating: 0.0
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	27443
Location:	102 W MAIN ST, BISHOP, TX, 78343			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	February 22, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 22, 2003 to February 22, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Judy Kluge	Phone:	(817) 588-5825	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	Ramiro Carrillo
4. if Yes, who was/were the prior owner(s)?	Taylor Petroleum Companies Inc.
5. When did the change(s) in ownership occur?	9/14/2007

## Components (Multimedia) for the Site :

A.	Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
	N/A
B.	Any criminal convictions of the state of Texas and the federal government.
	N/A
C.	Chronic excessive emissions events.
	N/A
D.	The approval dates of investigations. (CCEDS Inv. Track. No.)
	1 04/14/2004 (268940)
	2 02/15/2008 (616608)
E.	Written notices of violations (NOV). (CCEDS Inv. Track. No.)
	N/A
F.	Environmental audits.
	N/A
G.	Type of environmental management systems (EMSs).
	N/A
H.	Voluntary on-site compliance assessment dates.
	N/A
I.	Participation in a voluntary pollution reduction program.
	N/A
J.	Early compliance.
	N/A
Sites Outside of Texas	
	N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RAMIRO CARRILLO DBA BOB'S  
CORNER STORE AND BOB'S  
CORNER STORE 2  
RN102358942  
RN102457561**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0314-PST-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2 ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates convenience stores with retail sales of gasoline at 1901 South Brahma Boulevard in Kingsville, Kleberg County and at 102 West Main Street in Bishop, Nueces County, Texas (the "Facilities").
2. The Respondent's seven underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about February 20, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Eighteen Thousand Three Hundred Ninety-Two Dollars (\$18,392) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Thirty-Four Dollars (\$434) of the administrative penalty and Three Thousand Six Hundred Seventy-Eight Dollars (\$3,678) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Fourteen Thousand Two Hundred Eighty Dollars (\$14,280) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Eight Dollars (\$408) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:
  - a. The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying successful triennial testing of the cathodic protection system at the Facility located at 1901 South Brahma Boulevard in Kingsville;
  - b. As of May 2, 2008, the Respondent began conducting proper inventory control procedures for all USTs at the Facilities;
  - c. The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying that a release detection method has been implemented at the Facilities and the Respondent successfully conducted the required piping tightness and line leak detector tests at the Facility located at 102 West Main Street in Bishop; and
  - d. The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying that the required UST records are being maintained at the Facility located at 102 West Main Street in Bishop.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the



Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facilities, the Respondent is alleged to have:

1. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on December 19, 2007. Specifically, the triennial test had not been conducted.
2. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on December 19, 2007. Specifically, there was no release detection method in place for the UST system.
3. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on December 19, 2007.
4. Failed to provide release detection for the piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(ii)(I) and TEX. WATER CODE § 26.3475(a). Specifically, the required annual piping tightness tests at the Facility located at 102 West Main Street in Bishop were not being conducted.
5. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on December 19, 2007. Specifically, the line leak detectors at the Facility located at 102 West Main Street in Bishop had not been performance tested annually.
6. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on December 19, 2007. Specifically, the UST records at the Facility located at 102 West Main Street in Bishop were not being maintained.





### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2, Docket No. 2008-0314-PST-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of the Agreed Order, conduct triennial testing of the cathodic protection system at the Facility located at 102 West Main Street in Bishop, in accordance with 30 TEX. ADMIN. CODE § 334.49.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Waste Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

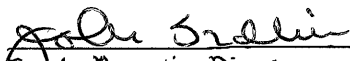


Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2  
DOCKET NO. 2008-0314-PST-B  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director


9/4/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

8-27-08  
Date

Ramiro Carrillo  
Name (Printed or typed)  
Authorized Representative of  
Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2

Owner  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

